

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

RENEE R. BERRY, <i>pro se</i>)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.: <u>1:08cv697</u>
)	(JCC/TRJ)
GARY LOCKE, Secretary,)	
U.S. Department of Commerce,)	
)	
Defendant.)	

**DEFENDANT’S MOTION TO VACATE THE ORDER GRANTING PLAINTIFF
IN FORMA PAUPERIS STATUS OR TO DISMISS THE COMPLAINT**

The Defendant, Gary Locke, Secretary of the U.S. Department of Commerce, by and through undersigned counsel, and pursuant to 28 U.S.C. § 1915(e)(2), moves this Court to vacate is previous Order dated July 11, 2008, granting the Plaintiff’s Motion for Leave to Proceed *In Forma Pauperis* (“IFP”) (Docket No. 3.) due to discrepancies between the IFP applications filed by the Plaintiff in the U.S. Court of Appeals for the Federal Circuit in Case No. 2008-3235, in this suit, and in the U.S. Court of Appeals for the Fourth Circuit, Case No. 9-1084 (submitted to this court in EDVA Civil Action No. 1:08cv459).

The Defendant further requests that the Plaintiff be required to pay the Court’s filing fees, or that her case be dismissed pursuant to 28 U.S.C. § 1915(e)(2) due to “untrue” allegations of poverty made in the IFP application submitted to this Court, in addition to such other remedies as this Court deems appropriate.

The Defendant also requests that his obligation to answer, move, or otherwise respond to the Plaintiff's suit be stayed pending resolution of this motion.

In support of this Motion, the Defendant submits a Memorandum of Points and Authorities and the exhibits attached thereto.

Respectfully submitted,

DANA J. BOENTE
ACTING UNITED STATES ATTORNEY

By: _____ /s/

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